



**STATE OF NEVADA**  
**DEPARTMENT OF ADMINISTRATION**  
*Division of Human Resource Management*  
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**MEMO PERD #48/13**

November 13, 2013

**TO:** Department Directors  
Division Administrators  
Agency Personnel Liaisons  
Agency Personnel Representatives  
Designees for Rules Distribution

**FROM:** Lee-Ann Easton, Administrator *Lee-Ann Easton*  
Division of Human Resource Management

**SUBJECT:** Revision #4, Rules for State Personnel Administration

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The Personnel Commission recently adopted a number of permanent regulation changes and these were approved by the Legislative Commission, effective October 23, 2013. As such, the online version of the [Rules for State Personnel Administration](#) has been updated and Revision #4 replacement pages are now available on our website. For your convenience, below is a brief description of the changes:

**General Provisions**

NAC 284.010 was updated to include the new definition of an Organizational Climate Study. This new section will be assigned a regulation number by the Legislative Counsel Bureau, Legal Division. Once that occurs, the [Rules for State Personnel Administration](#) will be revised and republished in its entirety.

**Filling Vacancies in Employment**

NAC 284.361 has been amended so that agencies are now required to contact at least 5 persons in the first 10 ranks of a recruitment list, rather than all persons in the first 5 ranks.

The change to NAC 284.373 now mandates that an eligible person has 2 (working) days to respond to an inquiry of availability that is received via email or voicemail.

The amendment to NAC 284.374 requires an appointing authority to consider a person eligible for a recruitment 1 time rather than 3 times.

**Leaves and Attendance - Furlough**

NAC 284.531 sets the rules surrounding the furlough requirement, which is 48 hours per year in fiscal years 2014 and 2015. The regulation is the same as the emergency regulation adopted by the Personnel Commission in June 2013, and sets the expiration date of June 30, 2015.

**Leave and Attendance – Family and Medical Leave**

In order to bring the State’s practices into alignment with the Department of Labor’s interpretation of federal Family and Medical Leave Act regulations, the amendment to NAC 284.5811 allows employees to receive short-term or long term disability plan benefits while on FMLA leave and does not require the employee to exhaust their accrued paid leave.

**Personnel Records**

NAC 284.718 has been amended in order to safeguard information received during a climate study conducted by the Division of Human Resource Management, and well as an internal study conducted by an agency.

The changes to NAC 284.726 explain to whom access to confidential information gathered during an organizational climate study or an internal study is provided.

Updated pages with the corresponding sections of the rulebook are listed in the chart below:

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Filling Vacancies in Employment	D13 – D14, D17 – D18
Attendance and Leaves	I5 – I6, I23 – I32
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Please note that NAC 284 on the Nevada Legislature’s Law Library webpage does not reflect all regulations that are approved and in effect.

Please ensure that everyone on your distribution list receives a copy. If you have any questions, please contact Shelley Blotter at [sblotter@admin.nv.gov](mailto:sblotter@admin.nv.gov) or (775) 684-0105.

LE:mg/tp

## CHAPTER 284

### STATE PERSONNEL SYSTEM

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## GENERAL PROVISIONS

### **NRS 284.010 states, “Legislative declaration of purpose.**

1. The Legislature declares that the purpose of this chapter is:
  - (a) To provide all citizens a fair and equal opportunity for public service;
  - (b) To establish conditions of service which will attract officers and employees of character and ability;
  - (c) To establish uniform job and salary classifications; and
  - (d) To increase the efficiency and economy of the agencies in the Executive Department of the State Government by the improvement of methods of personnel administration.
2. The Legislature declares that, in its considered judgment, the proper administration of the Executive Department of our State Government requires the enactment of this chapter.”

### **NRS 284.013 states in part, “Applicability; terms and conditions of employment of exempted persons; written contracts required for certain services.**

1. Except as otherwise provided in subsection 4, this chapter does not apply to:
  - (a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;
  - (b) Any person who is employed by a board, Commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS; or
  - (c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.”

### **NRS 284.022 states, “Inclusion of employees of certain governmental agencies in State Personnel System** The Division may include within the Personnel System all employees of any governmental agency acquired for administration by the State.”

**NAC 284.010 Definitions. (NRS 284.065)** As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 284.021 to 284.1125, inclusive, *and section 1 of LCB File No. R137-12* have the meanings ascribed to them in those sections.

(Supplied in codification; A by Dep’t of Personnel, 10-26-84; 4-19-88; 8-1-91; 7-6-92; 3-23-94; 10-27-97; R031-98, 4-17-98; R043-99, 9-27-99; R197-99, 1-26-2000; R058-01, 9-6-2001; R147-01, 1-22-2002; A by Personnel Comm’n by R038-03, 10-30-2003; R142-05, 12-29-2005; R147-06, 12-7-2006; *R137-12, 10-23-2013*)

**NAC 284.021 “Administrator” defined. (NRS 284.065)** “Administrator” means the Administrator of the Division of Human Resource Management.

[Personnel Div., Rule I § D subsec. 1, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84)—(Substituted in revision for NAC 284.056)

**NAC 284.022 “Appointing authority” defined. (NRS 284.065)** “Appointing authority” means an official, board or commission having the legal authority to make appointments to positions in the state service, or a person to whom the authority has been delegated by the official, board or commission.

[Personnel Div., Rule I § D subsec. 3, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84)

**NAC 284.023 “Appointment” defined. (NRS 284.065)** “Appointment” means the acceptance by an applicant of an offer of employment by an appointing authority and their mutual agreement as to a date of hire.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84)

**NAC 284.025 “Base rate of pay” defined. (NRS 284.065)** “Base rate of pay” means the dollar value of an employee’s grade and step.

(Added to NAC by Dep’t of Personnel by R147-01, eff. 1-22-2002)

**NAC 284.026 “Break in service” defined. (NRS 284.065)** “Break in service” means any separation from state service except for those separations listed in NAC 284.598.

[Personnel Div., Rule I § D subsec. 4, eff. 8-11-73]

**NAC 284.027 “Budget Division” defined.** “Budget Division” means the Budget Division of the Department of Administration.

(Supplied in codification)

**NAC 284.028 “Center for assessment” defined. (NRS 284.065)** “Center for assessment” means a method of examination based upon an assessment and rating process which uses a series of oral, written and performance exercises.

(Added to NAC by Dep’t of Personnel, eff. 11-12-93)

**NAC 284.030 “Class” defined. (NRS 284.065)** “Class” means a group of positions sufficiently similar with respect to their duties and responsibilities that the same title may be reasonably and fairly used to designate each position allocated to the class, substantially the same tests of fitness may be used, substantially the same minimum qualifications may be required and the same schedule of compensation may be applied with equity.

[Personnel Div., Rule I § D subsec. 5, eff. 8-11-73]

**NAC 284.034 “Class series” defined. (NRS 284.065)** “Class series” means the normal line of progression from training, entry or preparatory levels to supervisory or administrative levels within a job specialty so that the minimum qualifications, tests of fitness and the duties and responsibilities of each class are similar but different in level.

[Personnel Div., Rule I § D subsec. 6, eff. 8-11-73]

**NAC 284.036 “Class specification” defined. (NRS 284.065)** “Class specification” means a written description of a class, consisting of a title, a definition, examples of duties, and the minimum qualifications which are required.

[Personnel Div., Rule I § D subsec. 7, eff. 8-11-73]

**NAC 284.038 “Classification” defined. (NRS 284.065)** “Classification” means the systematic process of analytically grouping and allocating positions to classes based on the similarity of actual duties and responsibilities.

[Personnel Div., Rule I § D subsec. 8, eff. 8-11-73]

**NAC 284.042 “Classification plan” defined. (NRS 284.065)** “Classification plan” means a listing of all the classes which have been established, the class specifications, and the grade to which each is assigned.

[Personnel Div., Rule I § D subsec. 9, eff. 8-11-73]-(NAC A by Dep’t of Personnel, 10-26-84)

**NRS 284.150 states in part, “Classified service: Composition;...**

1. The classified service of the State of Nevada is comprised of all positions in the public service now existing or hereafter created which are:

(a) Lawfully designated as being in classified service; and

(b) Filled according to merit and fitness from eligible lists prepared upon the basis of examination, which must be open and competitive, except as otherwise provided in this chapter and NRS 209.161.”

[Personnel Div., Rule I § D subsec. 15, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; R147-01, 1-22-2002)

**NAC 284.0663 “Holiday” defined. (NRS 284.065)** “Holiday” means a day that is designated to be a legal holiday pursuant to NRS 236.015.

(Added to NAC by Dep't of Personnel by R147 01, eff. 1-22-2002)

**NAC 284.0665 “Individual classification study” defined. (NRS 284.065)** “Individual classification study” means a classification study initiated by an employee of this State, an agency of this State or the Division of Human Resource Management which is based upon a new position or a significant change that has occurred in an existing position.

(Added to NAC by Dep't of Personnel, eff. 10-27-97)

**NAC 284.067 “Innovative workweek” defined. (NRS 284.065)** “Innovative workweek” means a work schedule that differs from a standard or nonstandard workweek.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

**NAC 284.068 “Insurer” defined. (NRS 284.065)** “Insurer” has the meaning ascribed to it in NRS 616A.270.

(Added to NAC by Dep't of Personnel by R197-99, eff. 1-26-2000)

**NAC 284.069 “Journey level” defined. (NRS 284.065)** “Journey level” means the level of performance within an occupational specialty that requires a degree of knowledge and proficiency sufficient to perform work independently with little or no additional training.

(Added to NAC by Dep't of Personnel, eff. 10 26 84; A by Personnel Comm'n by R024-05, 10-31-2005)

**NAC 284.070 “Nonclassified employee” defined. (NRS 284.065)** “Nonclassified employee” means an employee in the office of the Governor or the Judicial or Legislative Branch of State Government.

[Personnel Div., Rule I § D subsec. 17, eff. 8-11-73]—(NAC A by Dep't of Personnel by R098-99, 9-27-99)

**NAC 284.071 “Nonexempt employee” defined. (NRS 284.065)** “Nonexempt employee” means an employee who is not subject to the provisions of NRS 284.148.

(Added to NAC by Dep't of Personnel by R147-01, eff. 1-22-2002)

**NAC 284.072 “Nonstandard workweek” defined. (NRS 284.065)** “Nonstandard workweek” means a work schedule of five shifts with the same number of hours each day and a maximum of 40 hours per week throughout the year. The work schedule is other than Monday through Friday.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

**NAC 284.0725 “Normal rate of pay” defined. (NRS 284.065)** “Normal rate of pay” means the dollar value of an employee's base rate of pay plus any adjustment that has been made pursuant to the provisions of NAC 284.206.

(Added to NAC by Dep't of Personnel by R147-01, eff. 1-22-2002)

**NAC 284.073 “Occupational study” defined. (NRS 284.065)** “Occupational study” means a classification study of a group of positions or related classes and class series, or any combination thereof, which is initiated by the Division of Human Resource Management and subsequently approved by the Commission.

(Added to NAC by Dep't of Personnel, eff. 10-27-97; A by Personnel Comm'n by R038-03, 10-30-2003)

**NEW: “Organizational climate study” defined. (NRS 284.065)** “Organizational climate study” means an independent study conducted by the Division of Human Resource Management to assess and evaluate the culture, effectiveness of management, employee morale and internal communication of an organization through a variety of methods, including, without limitation:

1. Surveys;
2. Interviews, including, without limitation, exit interviews;
3. Review of policies, procedures and internal communications;
4. Review of issues related to recruitment;
5. Review of data relating to employees, including, without limitation, statistics relating to turnover; and
6. Review of grievances filed by employees.

(Added to NAC by Personnel Comm’n by R137-12, eff. 10-23-2013)

**NAC 284.0742 “Paid status” defined. (NRS 284.065)** “Paid status” means the time that an employee is:

1. Working;
2. On leave with pay, except catastrophic leave; or
3. On a leave of absence due to a fiscal emergency declared pursuant to NAC 284.580.

(Added to NAC by Dep’t of Personnel by R147-01, eff. 1-22-2002)

**NAC 284.0745 “Part-time employee” defined. (NRS 284.065)** “Part-time employee” means an employee whose work schedule is less than 100 percent of the full-time equivalent established for the employee’s pay class designation.

(Added to NAC by Dep’t of Personnel by R147-01, eff. 1-22-2002)

**NAC 284.0746 “Part-time employment” defined. (NRS 284.065)** “Part-time employment” means a work schedule that is less than 100 percent of the full-time equivalent established for an employee’s pay class designation.

(Added to NAC by Dep’t of Personnel by R147-01, eff. 1-22-2002)

**NAC 284.0748 “Pay class designation” defined. (NRS 284.065)** “Pay class designation” means the designation set by the Division of Human Resource Management for a group of employees whose pay is calculated in a similar manner, including, without limitation, the maximum number of full-time equivalent hours in a biweekly or semimonthly pay period, the method of reporting hours worked and whether pay is calculated on the basis of hours worked or an annual salary.

(Added to NAC by Dep’t of Personnel by R147 01, eff. 1-22-2002)

**NAC 284.075 “Pay progression date” defined. (NRS 284.065)** Except as otherwise provided in this chapter, “pay progression date” means the date on which an employee completes 1 year of employment equivalent to full-time service following the appointment to his or her current grade.

(Added to NAC by Dep’t of Personnel by R043-99, eff. 9-27-99)

**NAC 284.076 “Permanent employee” defined. (NRS 284.065)** “Permanent employee” means an employee who has successfully completed the probationary period for any class he or she has held during continuous classified service. The term does not include a person who:

1. Is reemployed after having been laid off and is serving a new probationary period as required by subsection 8 of NAC 284.630; or



2. Is reemployed pursuant to NAC 284.6014 after having sustained a permanent disability and is serving a new probationary period as required by subsection 2 of NAC 284.6018.

(Added to NAC by Dep't of Personnel, eff. 8-1-91; A 3-1-96; A by Personnel Comm'n by R183-03, 1-27-2004; R143-05, 12-29-2005)

**NAC 284.078 “Permanent status” defined. (NRS 284.065)** “Permanent status” means the standing an employee achieves in a class when:

1. He or she has successfully completed the probationary period for the class; or
2. His or her appointment does not require a new probationary period and he or she does not hold another type of status of appointment for the class.

[Personnel Div., Rule I § D subsec. 20, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84)

**NAC 284.086 “Position” defined. (NRS 284.065)** “Position” means a group of duties and responsibilities that have been assigned to a single job.

[Personnel Div., Rule I § D subsec. 21, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84)

**NAC 284.087 “Positive reporting employee” defined. (NRS 284.065)** “Positive reporting employee” means an employee who is required to record on a time sheet all hours that he or she is in paid status.

(Added to NAC by Dep't of Personnel by R147-01, eff. 1-22-2002)

**NAC 284.0875 “Premises of the workplace” defined. (NRS 284.065)** “Premises of the workplace” means any building, office, vehicle or location, or any part thereof, specifically intended to serve as a place where work is performed by an employee during the course of a workday, including, without limitation, irregular shifts, or any other building, office, vehicle or location at or in which an employee is authorized to perform work by the agency with which he or she is employed. The term includes parking lots, garages or vehicle depots that are owned or leased by the State. The term does not include a location that constitutes an employee's usual and customary living quarters, except when the living quarters are also used to care for children pursuant to a state program or as otherwise authorized by the State.

(Added to NAC by Personnel Comm'n by R147-06, eff. 12-07-2006)

**NAC 284.088 “Promotion” defined. (NRS 284.065)** “Promotion” means an advancement to a position in a class which has a higher grade than the class previously held. The term does not include the restoration of a promoted employee to his or her former position pursuant to NAC 284.462.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004)

**NAC 284.0915 “Rating of performance” defined. (NRS 284.065)** “Rating of performance” means the overall rating of an employee's performance efficiency, character and conduct which is included in the report on performance of an employee.

(Added to NAC by Dep't of Personnel by R031-98, eff. 4-17-98)

**NAC 284.092 “Reallocation” defined. (NRS 284.065)** “Reallocation” means the assignment of a class to a higher grade or a lower grade.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

**NAC 284.093 “Reappointment” defined. (NRS 284.065)** “Reappointment” means a noncompetitive appointment of a current employee to a class he or she formerly held or to a comparable class.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A 8-1-91; A by Personnel Comm’n by R183-03, 1-27-2004)

**NAC 284.094 “Reclassification” defined. (NRS 284.065)** “Reclassification” means a reassignment or change in allocation of a position by:

1. Raising it to a class with a higher grade;
2. Reducing it to a class with a lower grade; or
3. Moving it to another class at the same grade on the basis of significant changes in kind, difficulty or responsibility of the work performed.

[Personnel Div., Rule I § D subsec. 23, eff. 8-11-73; renumbered as subsec. 24, 4-14-76]—  
(NAC A by Dep’t of Personnel, 10-26-84)

**NAC 284.095 “Reemployment” defined. (NRS 284.065)** “Reemployment” means a noncompetitive appointment of a current or former employee to a class for which he has reemployment rights, as provided in this chapter, because of military service, layoff, a permanent disability arising from a work-related injury or occupational disease, seasonal separation, reallocation, or reclassification of his position to a lower grade.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A 3-1-96; A by Personnel Comm’n by R142-05, 12-29-2005)

**NAC 284.0955 “Rehire” defined. (NRS 284.065)** “Rehire” means any appointment to the classified service following a separation from the classified service.

(Added to NAC by Dep’t of Personnel, eff. 4-19-88)

**NAC 284.096 “Reinstatement” defined. (NRS 284.065)** “Reinstatement” means a noncompetitive appointment of a former permanent employee to a class he or she formerly held or to a comparable class.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A 8-1-91)

**NAC 284.097 “Reviewing officer” defined. (NRS 284.065)** “Reviewing officer” means:

1. The supervisor of the person who prepared a report on performance of an employee; or
  2. Such other person designated by the appointing authority,
- ↪ who reviews the report on performance upon the request of the employee pursuant to paragraph (b) of subsection 7 of NAC 284.470.

(Added to NAC by Personnel Comm’n by R038-03, eff. 10-30-2003; A by R144-05, 12-29-2005; R056-10, 10-26-2011)

**NAC 284.0975 “Risk Management Division” defined.** “Risk Management Division” means the Risk Management Division of the Department of Administration.

(Supplied in codification)

**NAC 284.099 “Sexual conduct” defined. (NRS 284.065)** “Sexual conduct” means:

1. Ordinary sexual intercourse;
2. Anal intercourse;
3. Fellatio, cunnilingus or other oral-genital contact;
4. Physical contact by a person with the genitals or pubic area of another person for the purpose of arousing or gratifying the sexual desire of either person;

5. Penetration, however slight, by a person of an object into the genital or anal opening of the body of another person for the purpose of arousing or gratifying the sexual desire of either person; or

6. Masturbation or the lewd exhibition of genitals.

(Added to NAC by Personnel Comm'n by R147-06, eff. 12-07-2006)

**NAC 284.0995 “Sexual harassment” defined. (NRS 284.065)** “Sexual harassment” means unwelcome sexual advances, requests for sexual favors, or other speech or physical conduct of a sexual nature when:

1. Submission to such speech or conduct is made either explicitly or implicitly a term or condition of a person’s employment;

2. Submission to or the rejection of such speech or conduct by a person is used as the basis for employment decisions affecting that person; or

3. Such speech or conduct has the purpose or effect of unreasonably interfering with a person’s work performance or creating an intimidating, hostile or offensive working environment.

(Added to NAC by Personnel Comm'n by R147-06, eff. 12-07-2006)

**NAC 284.100 “Standard workweek” defined. (NRS 284.065)** “Standard workweek” means a work schedule of five shifts with the same number of hours each day and a maximum of 40 hours per week throughout the year. The work schedule is Monday through Friday.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84)

**NAC 284.102 “Step” defined. (NRS 284.065)** “Step” means the number assigned by the Division of Human Resource Management to identify a specific rate of pay within a grade.

[Personnel Div., Rule I § D subsec. 25, eff. 8-11-73; renumbered as subsec. 27, 4-14-76]—  
(NAC A by Dep’t of Personnel, 10-26-84; R197-99, 1-26-2000; R147-01, 1-22-2002)

**NAC 284.104 “Trainee level” defined. (NRS 284.065)** “Trainee level” means the level of performance within an occupational specialty at which an employee is in the process of acquiring the knowledge, skills and abilities to perform at the journey level.

(Added to NAC by Personnel Comm'n by R024-05, eff. 10-31-2005)

**NAC 284.106 “Transfer” defined. (NRS 284.065)** “Transfer” means:

1. A noncompetitive appointment in which an employee moves from one position to another position in the same class or a related class with the same grade; or

2. A competitive appointment in which an employee moves from one position to a position in a different class with the same grade.

[Personnel Div., Rule I § D subsec. 26, eff. 8-11-73; renumbered as subsec. 28, 4-14-76]—  
(NAC A by Dep’t of Personnel, 10-26-84; 11-16-95)

**NAC 284.108 “Trial period” defined. (NRS 284.065)** “Trial period” means the 6-month or 1-year probationary period served by a permanent employee who has been promoted to a vacant position.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A 8-1-91; 12-26-91)

**NRS 284.140 states, “Unclassified service: Composition.** The unclassified service of the State consists of the following State officers or employees in the Executive Department of the State Government who receive annual salaries for their services:

1. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.

2. Except as otherwise provided in NRS 223.085, 223.570 and 223.600, all persons required by law to be appointed by the Governor or heads of departments or agencies appointed by the Governor or by boards.

3. All employees other than clerical in the Office of the Attorney General and the State Public Defender required by law to be appointed by the Attorney General or the State Public Defender.

4. Except as otherwise provided by the Board of Regents of the University of Nevada pursuant to NRS 396.251, officers and members of the teaching staff and the staffs of the Agricultural Extension Department and Experiment Station of the Nevada System of Higher Education, or any other state institution of learning, and student employees of these institutions. Custodial, clerical or maintenance employees of these institutions are in the classified service. The Board of Regents of the University of Nevada shall assist the Administrator in carrying out the provisions of this chapter applicable to the Nevada System of Higher Education.

5. All other officers and employees authorized by law to be employed in the unclassified service.”

**NAC 284.110 “Underfill” defined. (NRS 284.065)** “Underfill” means the filling of a position with an employee holding a position in a lower classification, except for those situations where employees are in classifications which are training or intermediate levels preparatory to promotion to the journey level class.

[Personnel Div., Rule I § D subsec. 30, eff. 4-14-76]—(NAC A by Personnel Comm’n by R183-03, 1-27-2004)

**NAC 284.112 “Working day” defined. (NRS 284.065)** “Working day,” for the purpose of a grievance or an appeal, means Monday to Friday, inclusive, excluding holidays.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84)

**NAC 284.1125 “Work-related injury or occupational disease” defined. (NRS 284.065)** “Work-related injury or occupational disease” means any injury or illness suffered by an employee that arises out of and in the course of his employment in the classified service and for which an employee has filed a claim pursuant to chapter 616A, 616B, 616C, 616D or 617 of NRS.

(Added to NAC by Personnel Comm’n by R142-05, eff. 12-29-2005)

**NAC 284.113 “Working day” interpreted. (NRS 284.065, 284.155, 284.345)** As used in NRS 284.350 and 284.355, the Administrator will interpret “working day” to mean a period of work consisting of 8 hours.

(Added to NAC by Dep’t of Personnel by R031-98, eff. 4-17-98; A by Personnel Comm’n by R065-98, 7-24-98)

**NAC 284.114 Affirmative action program and equal employment opportunity. (NRS 284.065)**

1. The Division of Human Resource Management is responsible for establishing, coordinating and evaluating an affirmative action program for this State.

2. The Division of Human Resource Management will cooperate and consult with agencies to:

(a) Identify barriers in the personnel management system which may adversely affect the ability of applicants and employees to reach their full employment potential without regard to race, sex, sexual orientation, gender identity or expression, religion, color, national origin, age, genetic information or disability.

(b) Coordinate programs to remove barriers to equal employment opportunity while ensuring the effectiveness of the merit system and the opportunity for persons to enter the system and progress in it to the extent of their merit.

3. As used in this section, “gender identity or expression” has the meaning ascribed to it in NRS 281.370.

[Personnel Div., Rule I § C, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84; 7-6-92; R098-99, 9-27-99; A by Personnel Comm’n by R055-10, 6-30-2010; R023-11, 10-26-2011)

**NRS 284.012 states, “Policy concerning employment of persons with disabilities.** Subject to other applicable provisions of this chapter, it is the policy of this state that persons with disabilities must be afforded equal opportunities in employment by the state, by its political subdivisions and in all other employment supported in whole or in part by the state.”

**NRS 233B.070 states in part, “Effective date of permanent, temporary and emergency regulations; dissemination of regulation; duties of Secretary of State.**

7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.”

**NRS 284.130 states, “Assistance of state and local officers.** The Administrator may request officers and employees in the Executive Department of the State Government or local officers or employees to aid in carrying out the provisions of this chapter, and insofar as it may be consistent with their other duties, these officers and employees shall give such aid upon the Administrator’s written request.”

**NAC 284.116 Computation of time. (NRS 284.065)** In computing a period of time mentioned in this chapter, the day of the act or event from which the period begins is not counted and the last day is counted unless the last day is a Saturday, Sunday or state holiday. If the last day is a Saturday, Sunday or state holiday, the period ends on the next day that is not a Saturday, Sunday or state holiday.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84)

**NAC 284.120 Adoption by reference of federal law, regulations and manual regarding persons with disabilities. (NRS 284.065)**

1. For the purposes of determining the meaning of “essential functions of a position,” “person with a disability,” “qualified person with a disability” and “reasonable accommodation,” the Division of Human Resource Management hereby adopts by reference and will refer to:

- (a) The Americans with Disabilities Act of 1990 (Public Law 101-336).
- (b) The ADA Amendments Act of 2008 (Public Law 110-325).
- (c) The provisions of 29 C.F.R. Part 1630.
- (d) The *Technical Assistance Manual* for the Americans with Disabilities Act.

2. A copy of the materials adopted by reference pursuant to this section may be obtained at no charge from the United States Equal Employment Opportunity Commission Clearinghouse, by mail at P.O. Box 541, Annapolis Junction, Maryland 20701, by telephone at (800) 669-3362 or TDD (800) 800-3302 or at the Internet address:

**<http://www.eeoc.gov/eeoc/publications/index.cfm>**

(Added to NAC by Dep’t of Personnel, eff. 7-6-92; A 10-27-97; R082-00, 8-2-2000; A by Personnel Comm’n by R059-09, 10-27-2009)

**NAC 284.122 Severability. (NRS 284.065)** If any of the provisions of this chapter are held, for any reason, to be invalid, it is intended that the validity of the remaining provisions not be affected thereby.

[Personnel Div., Rule XVIII, eff. 8-11-73]

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Eligible persons who appear on reemployment lists are ranked in order of seniority. Except as otherwise provided in subsection 2 of NAC 284.6017, placement on a reemployment list will be determined using the criteria governing the determination of seniority for layoff pursuant to NAC 284.632.

2. If there is no reemployment list available, the Division of Human Resource Management will, in accordance with subsections 3 and 4, certify the names of eligible persons on ranked or unranked lists, or waive the list.

3. The names of eligible persons on ranked lists will appear in the order of the total rating which they earned in the examination, including preferences for veterans and residents.

4. The Division of Human Resource Management may certify a list of eligible applicants who are not ranked, or may waive the list, for:

(a) A class that is grade 20 or below;

(b) A class designated in the classification plan as entry level; or

(c) A class designated in the classification plan as a class for which applicants for promotion are not normally available.

5. Eligible persons who have requested a transfer and persons with disabilities who are eligible for temporary limited appointments pursuant to NAC 284.364 will be certified on the same list as other eligible persons and may be considered at the option of the appointing authority.

6. Only an eligible person who has indicated the willingness to accept the location of the vacancy and the other conditions of employment will be certified.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004; R024-05, 10-31-2005)

**NAC 284.361 Use of lists and consideration of eligible persons. (NRS 284.065, 284.155, 284.250)** When using lists of persons who are eligible and considering eligible persons who have been certified, the following conditions apply:

1. When a reemployment list is certified:

(a) Eligible persons who are available for appointment and who are certified on reemployment lists, other than seasonal reemployment lists, must be hired in the order in which they appear unless the appointing authority, upon submitting written justification, obtains the written concurrence of the Governor to deviate from the order of priority or to hire from another list. The appointing authority must make the written justification available for examination by affected persons or their designated representatives.

(b) A person must accept or refuse an offer of reemployment:

(1) If the offer of reemployment is sent by mail to the person, within 6 calendar days after the postmarked date appearing on the envelope in which the offer was mailed; or

(2) If the offer is an oral offer of reemployment, within 3 business days after the oral offer has been made.

2. The appointing authority may request selective certification for a particular position if the normal method of certification does not provide candidates qualified to perform the duties of the position satisfactorily. Where selective certification is necessary, the appointing authority shall furnish in writing the special requirements peculiar to the position and his or her reasons therefore. If the facts and reasons justify such a method of selection, the Division of Human Resource Management may certify the highest ranking eligible persons who possess the special qualifications.

3. Certification of only eligible persons who are the same sex will not be made unless there is clear evidence that the duties assigned could be performed efficiently only by the sex

specified.

4. When using ranked lists other than those for reemployment, the appointing authority shall attempt to communicate, as provided in NAC 284.373, with *at least 5* persons in the first *10* ranks to determine their availability and qualifications. The names on each type of list must be considered before names from the next succeeding list. If there are fewer than *10* ranks with persons who are available for appointment on a given list and the appointing authority requests a full complement of *10* ranks, the name or names at the top of the next succeeding list must be combined with those on the preceding list to establish *10* eligible ranks with persons who are available for appointment. Except as otherwise provided in subsection 6, all competitive appointments from ranked lists must be made from the persons who:

- (a) Are in a rank of persons who received the *10* highest scores on the examination; and
- (b) Are available for appointment.

5. If the list is unranked or waived, the appointing authority shall attempt to communicate, as provided in NAC 284.373, with at least five eligible persons he or she deems most qualified based upon a review of their respective qualifications as they relate to the position or class, or with all of the eligible persons if there are five or less. Except as otherwise provided in subsection 1, any eligible person who is certified from an unranked or waived list may be appointed.

6. If persons from fewer than five ranks of eligible persons are willing to accept appointment:

(a) The appointing authority may make an appointment from among those remaining available eligible persons.

(b) Certification and appointment may be made from other appropriate lists, including lists of higher grades as determined by the Division of Human Resource Management. The names from other lists will follow those which have been certified, if any, from the original lists.

(c) A new recruitment may be conducted.

(d) A provisional appointment may be made only if the requirements of NAC 284.406 are met.

[Personnel Div., Rule V § F, eff. 8-11-73; A 2-5-82]-(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 11-16-95; 11-16-95; R082-00, 8-2-2000; A by Personnel Comm'n by R069-02, 8-14-2002; R183-03, 1-27-2004; **R025-13, 10-23-2013**)-(Substituted in revision for NAC 284.378)

**NRS 284.250 state “Regulations for establishment of lists of eligible persons; limitation on term of eligibility.**

1. The Commission shall adopt regulations for the establishment of eligible lists for appointment and promotion which must contain the names of successful applicants in the order of their relative excellence in the respective examinations.

2. The term of eligibility of applicants on such lists is 1 year, but the term may be extended by the Administrator to a maximum of 3 years.”

**INFORMATIONAL NOTE: NRS 284.410 “False statement or report; fraud.”** may be found preceding NAC 284.738

**NRS 284.420 Obstruction of right to examination, eligibility, certification or appointment; furnishing special or secret information.”** may be found preceding NAC 284.738



2. As used in this section, "material change" includes, without limitation, a change in the minimum qualifications for the class or the subject matter, scope or weights of various phases of the examination.

[Personnel Div., Rule V § D, eff. 8-11-73]-(NAC A by Dep't of Personnel, 10-26-84; R082-00, 8-2-2000; A by Personnel Comm'n by R183-03, 1-27-2004; R141-07, 1-30-2008)

**NAC 284.371 Correction of errors in certification. (NRS 284.065, 284.155, 284.250)**

If the Division of Human Resource Management finds that an error occurred which resulted in a failure to properly certify a name to an agency, the Division of Human Resource Management will take appropriate action to correct the error. The correction will not invalidate any appointment which was previously made from the certification unless the Administrator or Commission determines, pursuant to subsection 2 of NAC 284.345, that the appointment should be invalidated because the error was intentional.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004 Substituted in revision for NAC 284.380)

**NAC 284.373 Inquiry of availability of eligible person. (NRS 284.065, 284.155, 284.250)**

1. While an eligible person may be contacted to determine his or her availability, no attempt may be made to obtain a waiver in order to alter the ranking of any person on the list.

2. An eligible person must respond to an inquiry of availability within:

(a) Six days after an inquiry by mail has been postmarked;

(b) *Two* days after an inquiry by electronic mail has been sent;

(c) Twenty-four hours after a written inquiry is hand-delivered;

(d) Twenty-four hours after an oral inquiry has been made if the oral inquiry was made during a conversation with the eligible person; or

(e) If an oral inquiry by telephone was attempted and a voicemail or other similar kind of electronic message was left, 2 days after that message was left.

3. An exception to a time limit may be granted by the originating agency.

[Personnel Div., Rule V § G, eff. 8-11-73; A 4-4-78]-(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004HSubstituted in revision for NAC 284.382; *R024-13, 10-23-2013*)

**NAC 284.374 Active lists: Removal and reactivation of names; refusal to consider certain persons. (NRS 284.065, 284.155, 284.250, 284.295)**

1. The names of eligible persons will be removed from the active lists for any of the following causes:

(a) Appointment after certification to fill a full-time permanent position in the class for which the examination was given.

(b) Expiration of the term of eligibility.

(c) Separation of a person who is eligible for promotion from the state service.

(d) Failure by an eligible person to respond within the required time to an inquiry of availability.

(e) A statement by the eligible person that he or she is not willing to accept any type of appointment from the eligible list.

(f) Any of the causes listed in NRS 284.240 pursuant to which the Administrator may refuse to examine or certify an eligible person, failure to disclose convictions as required by NAC 284.321 or, if the employee has been laid off, reemployment pursuant to subsection 7 of

NAC 284.630.

2. An appointing authority need not consider an eligible person more than *one time* from a recruitment. Consideration of an applicant for other than full-time permanent positions must not be counted for the purposes of this subsection.

3. An appointing authority need not consider an otherwise eligible person who cannot perform the essential functions of the position with or without reasonable accommodation.

4. An appointing authority may refuse to consider an eligible person who has been subject to a suspension, demotion or termination as a result of an upheld or uncontested disciplinary action in the preceding 12 months. The 12-month period begins on the effective date of the uncontested action or, if it is contested, on the date the hearing officer issues a final decision upholding a suspension, demotion or termination. If an employee is removed from consideration pursuant to this subsection, the appointing authority must notify the employee of that fact in writing before interviewing the next candidate or making its selection. The employee has 3 working days after being notified that he or she has been removed from consideration pursuant to this subsection to notify the appointing authority of any discrepancy in the information in his or her personnel file which led to the removal of the employee from consideration. The appointing authority may not make its selection:

(a) If the employee does not notify the appointing authority of a discrepancy, until after the end of the period pursuant to which the employee may notify the appointing authority of a discrepancy; or

(b) If the employee notifies the appointing authority of a discrepancy, until after the appointing authority determines whether the removal of the employee from consideration pursuant to this subsection was appropriate.

5. An appointing authority shall refuse to consider an eligible person whose appointment to a position will violate NRS 281.210, NAC 284.375 or a policy approved by the Commission pursuant to NAC 284.375.

6. An eligible person whose name has been removed from an active list may request that his or her name be reactivated by stating his or her reasons for the request. If the Division of Human Resource Management determines that the reasons are justified, and the person's term of eligibility has not otherwise expired, his or her name may be reactivated.

[Personnel Div., Rule V § E, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 12-26-91; 7-1-94; 8-16-96, eff. 10-1-96; A by Personnel Comm'n by R069-02, 8-14-2002; R182-03, 1-27-2004; R143-05 & R144-05, 12-29-2005; **R023-13, 10-23-13**)

**NRS 284.240 states, "Grounds for refusal to examine or certify.** The Administrator may refuse to examine an applicant or, after examination, may refuse to certify an eligible person who:

1. Lacks any of the preliminary requirements established for the examination for the position or employment for which the applicant or eligible person applies.

2. Submitted to a screening test administered pursuant to NRS 284.4066, the results of which indicated the presence of a controlled substance, and the person did not provide the proof required by NRS 284.4066.

3. Has been guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct.

4. Has been dismissed from the public service for delinquency or misconduct.

5. Has made a false statement of any material fact.

6. Has, directly or indirectly, given, rendered or paid, or promised to give, render or pay, any money, service or other valuable thing to any person for, or on account of or in connection with, the examination, appointment or proposed appointment.

7. Has practiced, or attempted to practice, any deception or fraud in the application,

(b) The employee's request for leave is denied in writing for any reason,  
↳ the employee is entitled to payment for any annual leave in excess of 30 working days which the employee requested to take and which the employee would otherwise forfeit as the result of the denial of the employee's request, unless the employee has final authority to approve use of the employee's own accrued leave and the employee received payment pursuant to this subsection for any unused annual leave in excess of 30 working days accumulated during the immediately preceding calendar year. The payment for the employee's unused annual leave must be made to the employee not later than January 31.

3. Officers and members of the faculty of the Nevada System of Higher Education are entitled to annual leave as provided by the regulations adopted pursuant to subsection 2 of NRS 284.345.

4. The Commission shall establish by regulation a schedule for the accrual of annual leave for employees who regularly work more than 40 hours per week or 80 hours biweekly. The schedule must provide for the accrual of annual leave at the same rate proportionately as employees who work a 40 hour week accrue annual leave.

5. No elected state officer may be paid for accumulated annual leave upon termination of his service.

6. During the first 6 months of employment of any employee in the public service, annual leave accrues as provided in subsection 1, but no annual leave may be taken during that period.

7. No employee in the public service may be paid for accumulated annual leave upon termination of employment unless he has been employed for 6 months or more."

8. Upon the request of an employee, the appointing authority of the employee may approve the reduction or satisfaction of an overpayment of the salary of the employee that was not obtained by the fraud or willful misrepresentation of the employee with a corresponding amount of the accrued annual leave of the employee."

**NAC 284.531 Furlough leave. [Effective July 1, 2013 through June 30, 2015]**

1. The total number of hours of furlough leave required to be taken in a fiscal year by an employee who is initially appointed to state service after the commencement of the fiscal year is:

(a) For a full-time employee, the equivalent of 4 hours of furlough leave for each full month remaining in the fiscal year.

(b) For a part-time employee, the equivalent of the portion of 4 hours of furlough leave for each full month remaining in the fiscal year that is proportional to the average number of hours worked by the part-time employee.

↳ If such an employee is appointed on a day other than the first day of a month, the month in which the employee is appointed is not included in the calculation set forth in this subsection.

2. An appointing authority may establish a policy that defines the minimum increment of furlough leave required to be taken at any one time by an employee of the appointing authority if the appointing authority determines that the minimum increment is necessary based on business necessity. The policy may provide different increments for employees in different divisions, locations or work groups based on business necessity. The appointing authority shall disseminate the policy to each employee under its authority who is required to take furlough leave.

3. To the extent practicable, an employee who is required to take furlough leave and his or her supervisor shall jointly determine in advance a schedule pursuant to which the employee will take furlough leave. If, because of business necessity, such a schedule cannot be mutually agreed upon, a supervisor may direct an employee to take furlough leave on a specific day or at a specific time, or both.

4. Movement of an employee from one position to another position must not alter the amount of furlough leave required to be taken by the employee.

5. The amount of furlough leave that an employee is required to take must not be offset by any savings realized as a result of a delay in filling the position that the employee holds.

6. An appointing authority shall not require or allow an employee to take more than 12 hours of furlough leave in a workweek.

7. Unless approved in advance by the Administrator of the Division of Human Resource Management and the Director of the Department of Administration or their designated representatives or, in the case of employees of the Nevada System of Higher Education, by the chief financial officer of the applicable institution, an appointing authority shall not require or allow an employee to work additional time during the same workweek in which the employee takes furlough leave if the additional time would be:

(a) Overtime for which the employee would be entitled to be compensated; or

(b) Added regular time for work as a part-time employee.

8. An employee who leaves state service will not be reimbursed for any furlough leave taken.

9. Any furlough leave taken by an employee must be considered time worked for the purpose of calculating the employee's eligibility to take leave under the federal Family and Medical Leave Act. Any furlough leave that is taken during the time in which an employee takes leave that qualifies under the Family and Medical Leave Act will not be counted against the amount of leave which an employee is entitled to take under the Family and Medical Leave Act.

10. As used in this section, "furlough leave" means the unpaid leave required to be taken pursuant to the provisions of chapter 447, Statutes of Nevada 2013, at page 2625.

(Added to NAC by Personnel Comm'n by R021-11, 10-26-2011, eff. 10-31-2011; **R022-13, 10-23-2013**)

**NAC 284.538 Annual leave: Computation; part-time employees; long-term employees. (NRS 284.065, 284.155, 284.345, 284.350)**

1. Except as otherwise provided in this subsection and NAC 284.5415, to compute the amount of annual leave to which an employee is entitled, an employee must be considered to work not more than 40 hours each week. If an employee occupies more than one position in different departments, he or she must be considered to work not more than 40 hours each week in each position.

2. A part-time employee is entitled to receive annual leave that is prorated based on the number of hours he or she is in paid status, excluding overtime.

3. An employee who holds two or more part-time positions in state service may combine the number of hours he or she is in paid status for all positions to compute annual leave, excluding overtime.

4. The basis for the computation of annual leave to which an exempt classified employee or exempt unclassified employee is entitled must not exceed the number of hours authorized in the biennial operating budget of this State for his or her position.

5. For each calendar month of full-time service, an employee is entitled to accrue annual leave at the rate of:

(a) One and one-half days per month for an employee who has completed 10 years or more but less than 15 years of continuous full-time or part-time state service; or

(b) One and three-fourths days per month for an employee who has completed 15 years or more of continuous full-time or part-time state service.

➔ If an employee has not been in continuous public service, the period before the interruption will not be counted except as otherwise provided in NAC 284.5405.

[Personnel Div., Rule VII § C, eff. 8-11-73; A 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 3-27-92; 9-16-92; 11-16-95; 10-27-97; R031-98, 4-17-98; A by Personnel Comm'n by R145-05, 12-29-2005)

2. All employees in the same classification must be treated equitably with respect to being placed on a leave of absence without pay pursuant to this section unless an employee volunteers to be placed on such a leave of absence.

3. The appointing authority shall reduce the pay of an employee who is placed on a leave of absence without pay pursuant to subsection 1 by an amount equal to the pay that the employee would otherwise receive for the hours for which the leave is approved.

4. The hours for which payment is withheld pursuant to subsection 3:

(a) Must be treated as hours in paid status for the purposes of NAC 284.182, 284.255, 284.282, 284.448, 284.538, 284.5385, 284.544 and 284.614.

(b) Must not be considered as time worked in calculating overtime.

5. Regardless of whether an employee volunteers to be placed on a leave of absence pursuant to subsection 1, after notifying the employee in writing and allowing a reasonable period for the employee to return to work, an appointing authority:

(a) Shall revoke the placement of any employee on a leave of absence without pay pursuant to subsection 1 upon a declaration by the Governor that the fiscal emergency no longer exists.

(b) May revoke the placement of any employee on any leave of absence without pay pursuant to subsection 1 for any other bona fide reason.

(Added to NAC by Dep't of Personnel, eff. 9-16-92; A 11-12-93; 3-23-94; R147-01, 1-22-2002; A by Personnel Comm'n by R096-03, 10-30-2003)

**NAC 284.581 Adoption by reference of federal law and regulations. (NRS 284.065, 284.155, 284.345)**

1. For the purposes of NAC 284.523 to 284.598, inclusive, the Division of Human Resource Management hereby adopts by reference:

(a) The Family and Medical Leave Act of 1993 (Public Law 103-3), as amended.

(b) The Fair Labor Standards Act of 1938, as amended, and 29 C.F.R. Part 541.

2. A copy of the Family and Medical Leave Act, the Fair Labor Standards Act or 29 C.F.R. Part 541 may be obtained at no charge from the United States Government, Wage and Hour Division, P.O. Box 3136, Reno, Nevada 89505-3136, telephone (775) 784-5200, or from the United States Government, Wage and Hour Division, 1050 Flamingo Road, Suite 321, Las Vegas, Nevada 89119, telephone (702) 699-5581.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; R082-00, 8-2-2000)

**INFORMATIONAL NOTE:** Based on the federal Family and Medical Leave Act (29 C.F.R. § 825.110 (b)(3)), catastrophic leave should be counted when determining the employee's 12 months of employment for FMLA eligibility. However, catastrophic leave is not counted in the calculation when determining if the employee has "worked" 1,250 hours in the previous 12 months. The hours an employee was in "paid status" (NAC 284.0742) are used to determine the hours "worked".

**NAC 284.5811 Family and medical leave: Maximum amount in 12-month period; eligibility; use. (NRS 284.065, 284.155, 284.345, 284.350, 284.355, 284.3626)**

1. Except as otherwise provided in subsection 2, an employee who is entitled to take leave pursuant to the Family and Medical Leave Act is limited to a total of 12 weeks of such leave during a rolling 12-month period. The rolling 12-month period is measured backward from the date an employee uses any leave pursuant to the Family and Medical Leave Act.

2. An employee who is entitled to take leave pursuant to the Family and Medical Leave Act to care for a covered service member is limited to a total of 26 weeks of such leave during a single 12-month period.

3. To calculate eligibility for leave pursuant to the Family and Medical Leave Act, each hour that an employee is in paid status in the 12-month period immediately preceding the leave must be considered as time worked.

4. Except as otherwise provided in *subsections 5 and 6*, an employee who meets the requirements for eligibility for and who is taking leave pursuant to the Family and Medical Leave Act must exhaust all the accrued sick leave, accrued annual leave, accrued compensatory time and catastrophic leave that the employee is eligible to use based on the nature of the absence before using leave without pay. Any accrued sick leave, accrued annual leave, accrued compensatory time, catastrophic leave and holiday pay to which the employee is entitled pursuant to NAC 284.255 runs concurrently with the leave granted pursuant to the Family and Medical Leave Act if the employee is otherwise eligible for that sick leave, annual leave, compensatory time, catastrophic leave or holiday pay.

5. If an employee is absent from work as the result of a work-related injury or illness and meets the requirements for eligibility for leave due to a serious health condition pursuant to the Family and Medical Leave Act:

(a) Any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act; and

(b) The employee may elect to use paid leave or leave without pay for the portion of time that he or she is not being compensated for the work-related injury or illness.

**6. *If an employee is absent from work as the result of a non work-related injury or illness, the employee is receiving compensation for the injury or illness from a disability benefit plan and the employee meets the requirements for eligibility for leave due to a serious health condition pursuant to the Family and Medical Leave Act:***

**(a) *Any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act; and***

**(b) *The employee may use paid leave for the time that the employee is being compensated for the non-work related injury or illness if the employee has entered into an agreement with the appointing authority to use the paid leave. If the employee and the appointing authority have not entered into such an agreement, the employee may not elect to use and the appointing authority may not require the employee to use paid leave for that time.***

7. An appointing authority may require an employee to provide medical or other appropriate documentation to support his or her need for leave pursuant to the Family and Medical Leave Act.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; R082-00, 8-2-2000; A by Personnel Comm'n by R096-03, 10-30-2003; R145-05, 12-29-2005; R060-09, 11-25-2009; **R021-13, 10-23-2013**)

**NAC 284.5813 Family and medical leave: Records. (NRS 284.065, 284.155, 284.345)**

Each appointing authority shall maintain accurate records of family and medical leave used by its employees, including any form approved for requesting family and medical leave.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; 3-1-96; R082-00, 8-2-2000)

**NRS 6.190 Terminating or threatening to terminate employment because of jury duty prohibited; civil action for unlawful termination; requiring employee to use sick leave or vacation time or to work certain hours prohibited; notice to employer; dissuasion from service as juror.**

1. Any person, corporation, partnership, association or other entity who is:

(a) An employer; or

(b) The employee, agent or officer of an employer, vested with the power to terminate or recommend termination of employment,

↳ of a person who is a juror or who has received a summons to appear for jury duty, and who deprives the juror or person summoned of his employment, as a consequence of his service as a juror or prospective juror, or who asserts to the juror or person summoned that his service as a juror or prospective juror will result in termination of his employment, is guilty of a gross misdemeanor.

2. A person discharged from employment in violation of subsection 1 may commence a civil action against his employer and obtain:

- (a) Wages and benefits lost as a result of the violation;
- (b) An order of reinstatement without loss of position, seniority or benefits;
- (c) Damages equal to the amount of the lost wages and benefits;
- (d) Reasonable attorney's fees fixed by the court; and
- (e) Punitive or exemplary damages in an amount not to exceed \$50,000.

3. If a person is summoned to appear for jury duty, the employer and any employee, agent or officer of the employer shall not, as a consequence of the person's service as a juror or prospective juror:

- (a) Require the person to use sick leave or vacation time; or
- (b) Require the person to work:
  - (1) Within 8 hours before the time at which he is to appear for jury duty; or
  - (2) If his service has lasted for 4 hours or more on the day of his appearance for jury duty, including his time going to and returning from the place where the court is held, between 5 p.m. on the day of his appearance for jury duty and 3 a.m. the following day.

↳ Any person who violates the provisions of this subsection is guilty of a misdemeanor.

4. Each summons to appear for jury duty must be accompanied by a notice to the employer of the person summoned. The notice must inform the employer that the person has been summoned for jury duty and must include a copy of the provisions of subsections 1, 2 and 3. The person summoned, if he is employed, shall give the notice to his employer at least 3 days before he is to appear for jury duty.

5. Except as otherwise provided in this section, any person who in any manner dissuades or attempts to dissuade a person who has received a summons to appear for jury duty from serving as a juror is guilty of a misdemeanor.

**NRS 50.070 Termination or threat of termination of employment because of service as witness prohibited; penalty; remedies.**

1. Any person, corporation, partnership, association or other entity who is:

- (a) An employer; or
- (b) The employee, agent or officer of an employer, vested with the power to terminate or recommend termination of employment,

↳ of a person who is a witness or who has received a summons to appear as a witness in a judicial or administrative proceeding, who deprives the witness or person summoned of his or her employment, as a consequence of his or her service as a witness or prospective witness, or who asserts to the witness or person summoned that his or her service as a witness or prospective witness will result in termination of his or her employment, is guilty of a misdemeanor.

2. A person discharged from employment in violation of subsection 1 may commence a civil action against his or her employer and obtain:

- (a) Wages and benefits lost as a result of the violation;
  - (b) An order of reinstatement without loss of position, seniority or benefits;
  - (c) Damages equal to the amount of the lost wages and benefits; and
  - (d) Reasonable attorney's fees fixed by the court.
- (Added to NRS by 1981, 366; A 1995, 209)

**NAC 284.582 Civil leave with pay to serve on jury or as witness. (NRS 284.065, 284.155, 284.175, 284.345)**

1. Except as otherwise provided in subsection 2, civil leave with pay must be granted to any employee who is required, during his or her normal hours of work, to serve:

(a) On a jury; or

(b) As a witness in a court or at an administrative hearing if he or she is not a party to the action and the action is not related to his or her job.

↳ The period of the leave must not be deducted from the balance of the employee's sick leave or annual leave. An employee who is granted the leave must receive his or her regular pay while on the leave and may retain any fee paid to him or her for serving as a juror or witness.

2. If an employee, in his or her official capacity as a state employee and as part of his or her required duties, serves as a witness during his or her regular working hours, the employee shall accept any witness fee offered and relinquish it to the agency by which he or she is employed.

3. If an employee is paid travel expenses and subsistence allowances by the court or public agency for which he or she performs service as a witness, the employee may retain that payment only if the State has not provided payment for the same purpose. If the State has provided such a payment, the employee shall relinquish it to the agency by which he or she is employed.

4. In accordance with NRS 6.190, an agency shall attempt to adjust the working hours of employees who work night shifts and are called as witnesses or for jury duty during the day. If an agency feels this is impractical, in the case of jury duty, it shall petition the court to excuse the juror.

[Personnel Div., Rule VII § E subsec. 5, eff. 8-11-73]—(NAC A by Dep't of Personnel, 12-13-83, 10-26-84; 5-27-86; R147-01, 1-22-2002; A by Personnel Comm'n by R145-05, 12-29-2005; R203-07, 4-17-2008)

**NRS 293.463 states, "Employees may absent themselves from employment to vote: Procedure; penalty."**

1. Any registered voter may absent himself or herself from his or her place of employment at a time to be designated by the employer for a sufficient time to vote, if it is impracticable for the voter vote before or after his or her hours of employment. A sufficient time to vote shall be determined as follows:

(a) If the distance between the place of such voter's employment and the polling place where such person votes is 2 miles or less, 1 hour.

(b) If the distance is more than 2 miles but not more than 10 miles, 2 hours.

(c) If the distance is more than 10 miles, 3 hours.

2. Such voter may not, because of such absence, be discharged, disciplined or penalized, nor shall any deduction be made from his usual salary or wages by reason of such absence.

3. Application for leave of absence to vote shall be made to the employer or person authorized to grant such leave prior to the day of the election.

4. Any employer or person authorized to grant the leave of absence provided for in subsection 1, who denies any registered voter any right granted under this section, or who otherwise violates the provisions of this section, is guilty of a misdemeanor."

**NAC 284.586 Civil leave with pay to vote. (NRS 284.065, 284.155, 284.345)** Civil leave with pay must be granted to allow an employee time off to vote subject to the conditions established in NRS 293.463. If an employee determines he or she will need time off to vote, he or she must submit a request for civil leave with pay to the person authorized to grant such leave before the day of the election.

[Personnel Div., Rule VII § E subsec. 7, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R145-05, 12-29-2005)

**NRS 281.147 states, "Leave of absence for duty as American National Red Cross disaster technician. Any public officer or employee of the State or any agency thereof, or of a political**



subdivision or an agency of a political subdivision, who is classified by the American National Red Cross as a disaster technician must be relieved from the officer's or employee's duties, upon the request of the American National Red Cross and the approval of the employer of the officer or employee, to assist the American National Red Cross during an emergency or disaster described in NRS 414.020 which occurs in this state or California, Oregon, Idaho, Utah or Arizona, without loss of the officer's or employee's regular compensation for a period of not more than 15 working days in any calendar year. No such absence may be a part of the annual vacation of the public officer or employee which is provided for by law."

**NRS 284.357 states, "Deduction from salary for service during working hours as volunteer firefighter, volunteer medical technician, volunteer reserve member of police department or sheriff's office or volunteer ambulance driver or attendant prohibited.**

1. All employees, whether in the classified or in the unclassified service of the State of Nevada, must be paid their salaries as fixed by law without diminution on account of any time spent away from state employment while acting as:

(a) Volunteer firefighter of any regular organized and recognized fire department in the protection of life or property;

(b) Volunteer emergency medical technicians certified pursuant to chapter 450B of NRS;

(c) Volunteer reserve members of a police department or a sheriff's office; or

(d) Volunteer ambulance drivers or attendants,

↳ during working hours or fractions thereof which should otherwise have been devoted to state employment.

2. As used in this section, "volunteer ambulance driver or attendant" means a person who is a driver of or attendant on an ambulance owned or operated by:

(a) A nonprofit organization that provides volunteer ambulance service in any county, city or town in this state; or

(b) A political subdivision of this state."

**NAC 284.587 Civil leave with pay for certain volunteers or when absence is necessary to meet disaster or emergency. (NRS 284.065, 284.155, 284.345)** Civil leave with pay must be granted to an employee who meets the requirements of NRS **284.149 or 284.357**, and may also be granted by the appointing authority to an employee whose absence from the job is necessary to meet a *state of emergency or declaration of disaster proclaimed by the Governor or by resolution of the Legislature pursuant to NRS 414.070*.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by R146-01, 1-18-2002; **R133-12, 10-4-2013**)

**NRS 284.345 Regulations for attendance and leave of absence; personnel of Nevada System of Higher Education.**

1. Except as otherwise provided in subsection 2, the Commission shall adopt regulations for attendance and leave with or without pay or reduced pay in the various classes of positions in the public service.

2. The Board of Regents of the University of Nevada shall adopt regulations for attendance and for leave with or without pay or with reduced pay, sabbatical leave, sick leave, emergency leave, annual leave, terminal leave, military leave and such other leave as the Board of Regents determines to be necessary or desirable for officers and members of the faculty of the Nevada System of Higher Education. Sabbatical leave with pay may not be granted to more than 2 percent of the teaching personnel of a branch or facility of the System with the rank of instructor or higher in any 1 year. No sabbatical leave with pay may be granted unless the person requesting the leave agrees in writing with the branch or facility to return to the branch or facility after the leave for a period not less than that required by the person's most recent contract of employment if the Nevada System of Higher Education desires the person's continued service.

**NAC 284.589 Administrative leave with pay. (NRS 284.065, 284.155, 284.345, 284.383, 284.385, 284.390)**

1. An appointing authority may grant administrative leave with pay to an employee:

(a) To relieve the employee of his or her duties during the active investigation of a suspected criminal violation or the investigation of alleged wrongdoing;

(b) For up to 30 days when the appointing authority initiates the leave to obtain the results of an examination concerning the ability of the employee to perform the essential functions of his or her position;

(c) For up to 30 days to remove the employee from the workplace when he or she has committed or threatened to commit an act of violence;

(d) For up to 2 hours to donate blood; or

(e) To relieve the employee of his or her duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065.

2. The appointing authority, upon approval of the Risk Management Division, may extend administrative leave with pay granted to an employee for a purpose set forth in paragraph (b) or (c) of subsection 1.

3. If an employee is granted administrative leave with pay pursuant to subsection 1 or 2, the employee must be available:

(a) By telephone to the supervisor of the employee; and

(b) To report to a work site or another location, as directed by the supervisor of the employee,  
↳ during regular business hours.

4. Except as otherwise provided in subsection 5, an appointing authority or the Division of Human Resource Management may grant administrative leave with pay to an employee for any of the following purposes:

(a) His or her participation in, or attendance at, activities which are directly or indirectly related to the employee's job or employment with the State but which do not require him or her to participate or attend in an official capacity as a state employee.

(b) Closure of the employee's office or work site caused by a natural disaster, pandemic or other similar adverse condition when the employee is scheduled and expected to be at work. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.

(c) Closure, as a result of a pandemic, of a school or a center or facility that provides day care services which is attended by the employee's dependent child or the temporary cancellation, as a result of a pandemic, of a program attended by the employee's dependent child. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.

(d) His or her appearance as an aggrieved employee or a witness at a hearing of the Committee.

(e) His or her appearance as an appellant or a witness at a hearing conducted pursuant to NRS 284.390 by a hearing officer of the Division of Human Resource Management.

(f) His or her appearance to provide testimony at a meeting of the Commission.

5. An appointing authority or the Division of Human Resource Management shall grant administrative leave with pay to an employee for a purpose set forth in paragraph (d), (e) or (f) of subsection 4 if:

(a) The employee requests the administrative leave for a period of time that is reasonably needed to testify at the hearing or meeting;

(b) The employee requests the administrative leave at least 2 weeks before the leave is needed, unless such notice is impractical; and

(c) The absence of the employee will not cause an undue hardship to the operations of the appointing authority or adversely impact the provision of services to clients or to the public.

6. An appointing authority shall grant administrative leave with pay to an employee for any of the following purposes:

(a) The initial appointment and one follow-up appointment if the employee receives counseling through an employee assistance program.

(b) His or her attendance at a health fair which has been authorized by the Board of the Public Employees' Benefits Program.

(c) His or her participation in an official capacity as a member of a committee or board created by statute on which he or she serves as a representative of state employees. Such leave must be in lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board.

(d) Up to 8 hours for preparation for all hearings regarding a suspension, demotion or dismissal of the employee as provided in NAC 284.6561.

(e) Up to 8 hours for preparation for all hearings regarding an involuntary transfer of the employee.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 4-20-90; A by Personnel Comm'n, 8-1-91; A by Dep't of Personnel, 9-13-91; 12-26-91; 11-12-93; 3-23-94; 11-16-95; 10-27-97; R042-99, 9-27-99; R058-01, 9-6-2001; A by Personnel Comm'n by R038-03, 10-30-2003; R183-03, 1-27-2004; R145-05, 12-29-2005; R141-07, 1-30-2008; R061-09 & R081-09, 10-27-2009; R063-09, 11-25-2009; R058-10, 10-15-2010)

**NRS 281.1275 Reduction in salary of certain public officers and employees for part-day absence from work prohibited; accounting for part-day absence; exception.**

1. Except as permitted by the federal Family and Medical Leave Act of 1993, the salary of a public officer or employee of the state or any agency thereof, or of a political subdivision or any agency thereof, who is not entitled pursuant to federal or state law, local ordinance, or policy or contract of employment to earn overtime at the rate of time and one-half, must not be reduced for an absence from work for part of a day.

2. The provisions of this section do not apply to an officer or employee of the Legislative Branch of Government, except an officer or employee of the legislative library.

**NAC 284.5895 Accounting for absences of exempt classified and unclassified employees. (NRS 284.065, 284.155, 284.345)**

1. An absence of an exempt classified employee or exempt unclassified employee for a full workday shall be deemed to be an absence for a period equal to his or her regularly scheduled hours of employment on that workday.

2. Except when an absence for part of a workday is authorized for family and medical leave, an exempt classified employee or exempt unclassified employee must only account for an absence of one or more full workdays by the use of leave appropriate to the absence and is not required to account for any absence for part of a workday.

3. An exempt classified employee or exempt unclassified employee must not account for an absence for a full workday by the use of a combination of accrued sick leave and accrued annual leave unless he or she:

(a) Is on family and medical leave; or

(b) Has been approved for catastrophic leave and the catastrophic leave is used as a supplement for the remaining sick and annual leave.

4. If an exempt classified employee or exempt unclassified employee does not have accrued leave appropriate to the absence in an amount sufficient to account for an authorized absence, the employee must be placed on leave of absence without pay for that workday unless he or she is approved to use catastrophic leave.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; R147-01, 1-22-2002; A by Personnel Comm'n by R145-05, 12-29-2005)

**NRS 281.145 Leave of absence for military duty.** Any public officer or employee of the State or any agency thereof, or of a political subdivision or an agency of a political subdivision, who is an active member of the United States Army Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Air Force Reserve, or the Nevada National Guard must be relieved from the officer's or employee's duties, upon the officer's or employee's request, to serve under orders without loss of the officer's or employee's regular compensation for a period of not more than 15 working days in any 1 calendar year. No such absence may be a part of the employee's annual vacation provided for by law.

**NRS 284.359 Military leave of absence; reinstatement.** A permanent or probationary employee who performs active military service under the provisions of any national military service or training act, or who voluntarily serves in the Armed Forces of the United States in time of war, or in such types of service as the Commission by regulation may prescribe, is, upon application, entitled to leave of absence without pay for the period of such service plus a period not to exceed 90 days. If within that period the employee applies for reinstatement, the employee must be reinstated to the employee's former class of position, or to a class of position having like seniority, status and pay, or, if those positions have been abolished, to the nearest approximation thereof consistent with the circumstances.

**NAC 284.594 Unauthorized and unreported absences. (NRS 284.065, 284.155, 284.175, 284.345)**

1. An unauthorized and unreported absence must be considered an absence without leave and a deduction of pay must be made for the absence.
2. An unauthorized or unreported absence may be considered an absence without leave, and a deduction of pay may be made for the absence.
3. An employee who has an unauthorized or unreported absence may be subject to disciplinary action pursuant to NAC 284.646 or 284.650.
4. A deduction from the pay of an exempt classified employee or exempt unclassified employee must be made in increments of a full workday.

[Personnel Div., Rule VII § G, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 1-26-87; 11-16-95; R147-01, 1-22-2002; A by Personnel Comm'n by R145-05, 12-29-2005; R062-09, 10-27-2009)

**NAC 284.598 Breaks in continuous service. (NRS 284.065, 284.155)** The following are not breaks in continuous service:

1. Military leave for active service if the person returns from leave within 90 calendar days after an honorable discharge from military service.
2. A layoff if the employee is reemployed within 1 year after the date he or she was laid off.
3. A seasonal layoff if the employee is reemployed within 1 year after the end of the previous seasonal appointment.
4. A separation as a result of a permanent disability arising from a work-related injury or occupational disease, if the employee is reemployed within 1 year after the date on which he or she sustained the permanent disability as determined pursuant to NAC 284.6013.

[Personnel Div., Rule VII § H, eff. 8-11-73; A 7-3-76]—(NAC A by Dep't of Personnel, 8-26-83; 4-19-88; 3-1-96; A by Personnel Comm'n by R022-05, 10-31-2005; R142-05 & R145-05, 12-29-2005)

**INFORMATIONAL NOTE:** Certain personnel actions, such as transfers, authorized leave without pay and those separations listed above in NAC 284.598, do not constitute a break in continuous service but may result in adjustments to pay, benefits computation of seniority, and/or probationary periods as provided in this chapter.

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3. An employer or labor organization shall not maintain a secret record of employment regarding an employee or person referred.

4. Upon termination of employment, an employer shall allow an employee to inspect the employee's records of employment within 60 days after his or her termination of employment and shall, if requested by that former employee within that period, furnish the former employee with a copy of those records.

5. An employer or labor organization may only charge an employee or person referred an amount equal to the actual cost of providing access to and copies of his or her records of employment.

6. The employee or person referred shall, if the employee or person contends that any information contained in the records is inaccurate or incomplete, notify his or her employer or the labor organization in writing of that contention. If the employer or labor organization finds that the contention of that employee or person is correct, it shall change the information accordingly.

7. No copies may be furnished to an employee or former employee under this section unless the employee or former employee has been or was employed for more than 60 days.

**NAC 284.718 Confidential records. (NRS 284.065, 284.155, 284.407)**

1. The following types of information, which are maintained by the Division of Human Resource Management or the personnel office of an agency, are confidential:

(a) Information relating to salaries paid in other than governmental employment which is furnished to the Division of Human Resource Management on the condition that the source remain confidential;

(b) Any document which is used by the Division of Human Resource Management or an agency in negotiations with employees or their representatives which has not been made public by mutual agreement;

(c) The rating and remarks concerning an applicant by the individual members of the board or assessors of a center for assessment;

(d) Any document which is used by the Division of Human Resource Management or an agency in the process of interviewing an applicant, including, without limitation, a document containing interview questions, evaluation tools used for rating applicants and any notes concerning an applicant that were taken by a person as part of the process of rating an applicant;

(e) Materials used in examinations, including suggested answers for oral examinations;

(f) Records and files maintained by an employee assistance program offered by the State of Nevada;

(g) Reports by employers, appointing authorities or law enforcement officials concerning the hiring, promotion or background of applicants, eligible persons or employees;

(h) The class title and agency of an employee whose name is excluded from the official roster, as provided in subsection 3 of NAC 284.714, when an inquiry concerning the employee is received;

(i) Any information contained on a person's application or relating to his or her status as an eligible person; and

(j) Information in the file or record of employment of a current or former employee which relates to the employee's:

(1) Performance;

(2) Conduct, including any disciplinary actions taken against the employee;

(3) Usage or balance of his or her annual leave and sick leave;

(4) Race, ethnic identity or affiliation, sex, genetic information, disability or date of birth;

(5) Home telephone number; or

(6) Social security number.

2. If the employee has requested that his or her personal mailing address be listed as confidential, the employee's file must be so designated and list his or her business address.

3. The name of any beneficiary of an employee contained in the payroll document must not be released to anyone unless:

- (a) The employee dies; or
- (b) The employee signs a release.

4. Any records in the possession of the Committee on Catastrophic Leave created pursuant to NRS 284.3627 that reveal the health, medical condition or disability of a current or former employee or a member of his or her immediate family are confidential.

5. Any notes, records, recordings or findings of an investigation conducted by the Division of Human Resource Management relating to sexual harassment or discrimination, or both, and any findings of such an investigation that are provided to an appointing authority are confidential.

***6. Any notes, records, recordings, findings or other information obtained from an organizational climate study that directly relate to an employee's performance or conduct are confidential.***

***7. Any notes, records, recordings, findings or other information obtained from an internal study conducted by an agency that directly relate to an employee's performance or conduct are confidential.***

[Personnel Div., Rule XVI part § C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-28-85; 7-21-89; 7-6-92; 11-12-93; R058-01, 9-6-2001; A by Personnel Comm'n by R068-03, 10-30-2003; R182-03, 1-27-2004; R024-05, 10-31-2005; R141-07, 1-30-2008; R065-09, 10-27-2009; R055-10, 6-30-2010; ***R137-12, 10-23-2013; R045-13, 10-23-2013***)

**NAC 284.726 Access to confidential records. (NRS 284.065, 284.155, 284.335, 284.407)**

1. Except as otherwise provided in this subsection, access to materials for an examination and information relating to an applicant or eligible person which are relevant to an appointing authority's decision to hire that person is limited to the appointing authority or his or her designated representative. If the name of the applicant is not disclosed and the information is used for the purposes of subparagraph 2 of paragraph (a) of subsection 1 of NAC 284.204, information relating to the education and experience of an applicant may be made available to any affected applicant, employee or the designated representative of either.

2. Except as otherwise provided in subsections 3 and 4, access to an employee's file of employment containing any of the items listed in paragraphs (g) to (j), inclusive, of subsection 1 of NAC 284.718 is limited to:

- (a) The employee.
- (b) The employee's representative when a signed authorization from the employee is presented or is in his or her employment file.
- (c) The appointing authority or a designated representative of the agency by which the employee is employed.
- (d) The Administrator or a designated representative.
- (e) An appointing authority, or a designated representative, who is considering the employee for employment in the agency.
- (f) Persons who are authorized pursuant to any state or federal law or an order of a court.
- (g) The State Board of Examiners if the Board is considering a claim against the State of Nevada filed pursuant to chapter 41 of NRS which involves the employee.
- (h) Persons who are involved in processing records for the transaction of business within and between state agencies.



(i) Persons who are involved in processing records for the transaction of business that is authorized by the employee.

3. Information concerning the health, medical condition or disability of an employee or a member of his or her immediate family must be kept separate from the employee's file in a locked cabinet. Except as otherwise provided in subsection 9, access to such information is limited to the employee, his or her current supervisor, and the appointing authority or a designated representative.

4. Except as otherwise provided in subsection 9, access to information concerning the employee's usage or balance of annual leave and sick leave is limited to the employee, the employee's immediate supervisor and the employee's appointing authority or the designated representative of the appointing authority.

**5. Except as otherwise provided in subsection 9, access to any notes, records, recordings, findings or other information obtained from an organizational climate study that directly relate to an employee's performance or conduct is limited to:**

*(a) The employee.*

*(b) The Administrator or a designated representative of the Administrator.*

*(c) The appointing authority or a designated representative of the agency with which the employee is employed.*

*(d) Persons who are authorized pursuant to any state or federal law or an order of a court.*

*(e) The Governor or a designated representative of the Governor.*

**6. Except as otherwise provided in subsection 9, access to any notes, records, recordings, findings or other information obtained from an internal study conducted by an agency that directly relate to an employee's performance or conduct is limited to:**

*(a) The employee.*

*(b) The appointing authority or a designated representative of the agency by which the employee is employed.*

*(c) Persons who are authorized pursuant to any state or federal law or an order of a court.*

*(d) The Governor or the Governor's designated representative.*

7. Except as otherwise provided by specific statute, records maintained by an employee assistance program offered by the State of Nevada must not be released without written permission signed by the employee to whom the records pertain.

8. Upon request, the Division of Human Resource Management will provide the personal mailing address of any employee on file with the Division of Human Resource Management to the State Controller's Office and the Internal Revenue Service.

9. The Administrator or the appointing authority, or a designated representative, shall authorize the release of any confidential records under his or her control which are requested by the Employee-Management Committee, a hearings officer, the Commission, the Committee on Catastrophic Leave created pursuant to NRS 284.3627, the Nevada Equal Rights Commission or a court.

[Personnel Div., Rule XVI part § C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-28-85; 9-30-88; 7-21-89; 8-14-90; 7-6-92; 3-23-94; R042-99, 9-27-99; R082-00, 8-2-2000; R058-01, 9-6-2001; R147-01, 1-22-2002; A by Personnel Comm'n by R068-03, 10-30-2003; R024-05, 10-31-2005; R141-07, 1-30-2008; R065-09, 10-27-2009, R059-10, 10-15-2010; **R137-12, 10-23-2013; R045-13, 10-23-2013**)

**NAC 284.730 Retention and disposal of records. (NRS 284.065)** All records of the Division of Human Resource Management will be retained or disposed of in accordance with the

records retention and disposal schedule approved by the Committee to Approve Schedules for the Retention and Disposition of Official State Records.

[Personnel Div., Rule XVI § D, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R182-03, 1-27-2004)

**NAC 284.734 Prohibition against maintenance of secret files. (NRS 284.065, 284.155)**  
Except as otherwise provided in NAC 284.718 and 284.726, no appointing authority may maintain secret files regarding any employee.

[Personnel Div., Rule XVI § E, eff. 8-11-73]

## NRS REFERENCES

**Note:** Page numbers are by sections.

<b>NRS 6.190</b>	<b>Terminating or threatening to terminate employment because of jury duty prohibited; civil action for unlawful termination; requiring employee to use sick leave or vacation time or to work certain hours prohibited; notice to employer; dissuasion from service as juror.</b>	
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<b>NRS 31.298</b>	<b>Garnishment of earnings: Unlawful to discharge or discipline employee.</b>	
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<b>NRS 50.070</b>	<b>Termination or threat of termination of employment because of service as witness prohibited; penalty; remedies.</b>	
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<b>NRS 179A.190</b>	<b>Notice of information may be disseminated to employers; use by employer; employer not liable for discrimination; other dissemination or release...</b>	
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<b>NRS 199.280</b>	<b>Resisting public officer.</b>	
	<i>Prohibitions and Offenses</i> .....	<b>O-2</b>
<b>NRS 199.300</b>	<b>Intimidating public officer, public employee, juror, referee, arbitrator, appraiser, assessor or similar person.</b>	
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<b>NRS 202.2491</b>	<b>Smoking tobacco: Unlawful in certain public places; posting signs; designation of areas for smoking.</b>	
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<b>NRS 233.160</b>	<b>Complaint alleging unlawful discriminatory practices: Limitations on filing; contents; duties of Commission; filing of answer.</b>	
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<b>NRS 233B.070</b>	<b>Effective date and dissemination of regulations; duties of Secretary of State.</b>	
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<b>NRS 236.015</b>	<b>Legal holidays; closing of state, county and city offices, courts, public schools and Nevada System of Higher Education.</b>	
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NRS 241.033	<b>Meeting to consider character, misconduct, competence or health of person</b> <i>Adjustment of Grievances</i> .....	M-1
NRS 281.100	<b>Hours of service of employees of State and political subdivisions; exceptions; penalty.</b> <i>Compensation</i> .....	C-16
NRS 281.110	<b>State offices to maintain 40-hour workweeks and remain open during certain hours; exception; variable schedules for workweek.</b> <i>Attendance and Leaves</i> .....	I-3
NRS 281.123	<b>Limitation on maximum salary payable to persons employed by state.</b> <i>Compensation</i> .....	C-1
NRS 281.1275	<b>Reduction in salary of certain public officers and employees for part-day absence from work prohibited; accounting for part-day absence; exception.</b> <i>Attendance and Leaves</i> .....	I-29
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NRS 281.210	<b>Officers of State, political subdivision and Nevada System of Higher Education prohibited from employing relatives; exceptions; penalties.</b> <i>Filling Vacancies in Employment</i> .....	D-20
NRS 281.370	<b>Actions concerning personnel to be based on merit and fitness; discrimination prohibited.</b> <i>Prohibitions and Offenses</i> .....	O-6
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NRS 281.621	<b>Declaration of public policy.</b> <i>Prohibitions and Offenses</i> .....	O-2
NRS 281.641	<b>Reprisal or retaliatory action against state officer or employee who discloses improper governmental action: Written appeal; hearing; order; negative ruling may not be based on identity of persons to whom disclosure was made; rules of procedure.</b> <i>Practice Before the Division of Human Resource Management</i> .....	P-1
NRS 284.010	<b>Legislative declaration of purpose.</b> <i>General Provisions</i> .....	A-1
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NRS 284.307	<b>Automatic advancement of person in training or preparatory position.</b> <i>Filling Vacancies in Employment</i> .....	D-31
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NRS 284.327	<b>Temporary limited appointment of persons with disabilities.</b> <i>Filling Vacancies in Employment</i> .....	D-15, 28
NRS 284.330	<b>Reinstatement of permanent appointee after separation without prejudice.</b> <i>Filling Vacancies in Employment</i> .....	D-22
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